

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James Thompson et al.
Serial No.: 09/767,374
Filing Date: January 22, 2001
Group Art Unit: 2452
Confirm: 2543
Examiner: Dohm Chankong
Title: *DISTRIBUTED NETWORK COMMUNICATION
SYSTEM WHICH ALLOWS MULTIPLE WIRELESS
SERVICE PROVIDERS TO SHARE A COMMON
NETWORK INFRASTRUCTURE*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Statement in Response to Notice of Panel Decision

In response to the Notice of Panel Decision from Pre-Appeal Brief Review dated March 29, 2011, Applicants respectfully request appropriate docketing of the Application in light of the comments below.

REMARKS

The Notice of Panel Decision from Pre-Appeal Brief Review indicates that the Pre-Appeal Brief Request for Review filed February 11, 2011, was improper because a proposed amendment is included with the Pre-Appeal Brief request. As indicated by the Response to Non-Final Office Action dated March 1, 2011, shortly after filing the Pre-Appeal Brief Request for review, Applicants conducted an interview with Examiner Dohm Chankong on February 24, 2011.

Applicants, through its attorneys, discussed the differences between the pending claims and cited art. Despite the filing of an Pre-Appeal Brief Request for Review, Examiner Chankong recommended that Applicants file an amendment for his consideration. Examiner Chankong also confirmed that he would reopen prosecution via telephone on April 8, 2011. Therefore, Applicants believe (and Examiner confirms) that the filing of the Response to Non-Final Office Action and the Examiner's agreement to reopen prosecution obviates the necessity to respond to the Notice of Panel Decision dated March 29, 2011.

Accordingly, Applicants respectfully request that this Application be appropriately docketed by the Patent Office. If Applicants' understanding is incorrect, Applicants kindly request clarification in a future action.

CONCLUSION

If a telephone conference would advance prosecution of this Application, the Examiner may call Mark J. Spolyar, Attorney for Applicant, at 650-739-7511.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any extra fees and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTT S L.L.P.
Attorneys for Applicants



Mark J. Spolyar
Reg. No. 42,164

Date: April 8, 2011

Customer Number: 05073